

H. B. No. 127

By 

A BILL
To Be Entitled

AN ACT amending Section 1 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, relating to regulatory authority of the Game and Fish Commission in certain counties, so as to include Blanco and Hays Counties; amending Section 9 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, by excepting Blanco County from certain provisions of the Section; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as last amended by Chapter 354 and by Chapter 534, Acts of the Fifty-seventh Legislature, Regular Session, 1961, is amended to read as follows:

"Section 1. This Act shall apply only to Blanco, Hays, Menard, Bandera, Kerr, Mason, Llano, Medina, Sutton, Edwards and Crockett Counties. It shall be unlawful except as provided in this Act, for any person to hunt, take, kill, or possess, or attempt to hunt, take, or kill any game bird or game animal in said Counties at any time; or to take, kill, trap or possess, or attempt to take, kill or trap any fur-bearing animal in said Counties at any time; or to take or attempt to take any fresh-water fish by any means or method in said Counties at any time. In order to better conserve an ample supply of the wildlife resources in said Counties, to the end that the most reasonable and equitable privileges may be enjoyed by the people of this State and their posterity in their ownership and in the taking of such resources, it is deemed for the public welfare that this Legislature should provide a law adaptable to changing conditions and emergencies which threaten depletion or waste of the wildlife resources in said Counties. The Game and Fish Commission is therefore granted the authority, power, and duty to provide, by proclamation, rule or regulation, from time to time, periods of time when it shall be lawful to take a portion of the wildlife resources of said Counties, when its investigations and findings of fact disclose there is an ample

supply of such wildlife resources that a portion thereof may be taken which will not threaten depletion or waste of such supply. It shall also, by proclamation, rule or regulation, from time to time, provide the means and the method and the place and the manner in which such wildlife resources may be lawfully taken; provided, however, that it shall be unlawful for any person to hunt, take, kill or possess, or attempt to hunt, take or kill any game bird or game animal in said Counties at any time; or to take, kill, trap or possess, or attempt to take, kill or trap any fur-bearing animal in said Counties at any time; or to take or attempt to take any fresh-water fish by any means or method in said Counties at any time; unless the owner of the land or the water, or his duly authorized agent, shall give consent thereto."

Sec. 2. Section 9 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as last amended by Chapter 340, Acts of the Fifty-seventh Legislature, Regular Session, 1961, is amended to read as follows:

"Sec. 9. Orders, rules and regulations adopted by said Commission shall become effective fifteen (15) days after their adoption, except in case of emergency as provided in this Act, and shall continue in full force and effect until they shall expire by their own terms, or are revoked or amended by said Commission, or except in case of disapproval by the Commissioners Court of the County, except in Mason County and Blanco County, in which the rule, regulation or order is to be in effect. The Commissioners Court in each County, except Mason County and Blanco County, affected by the rule, regulation, or order of the Commission shall approve or disapprove the Commission's rule, regulation, or order at its next regular meeting occurring more than five (5) days after the said rule, regulation, or order is promulgated. If approved, the rule, regulation, or order becomes effective immediately in accordance with the terms of this Act. If disapproved, no public hearing on a similar proposal for the County in which the Commissioners Court so disapproved said rule, regulation, or order may be held for a period of six (6) months, unless a majority of said Commissioners Court certifies to the Commission that there has been some material change in the surrounding circumstances which necessitates the holding of a public hearing within the

six-month period."

Sec. 3. The fact that present laws do not adequately protect the wildlife resources of Blanco and Hays Counties and the crowded condition of the Calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE ROOM

Date Aug. 1, 1961

HON. JAMES A. TURMAN

Speaker of the House of Representatives.

Sir:

We, your Committee on Game and Fisheries, to whom was

referred H B No. 127, have had the same under consideration

and beg to report back with recommendation that it { do ~~do not~~ } pass, and be not printed

Harrington
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

By: Fletcher

H. B. No. 127

A BILL TO BE ENTITLED

AN ACT

amending Section 1 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, relating to regulatory authority of the Game and Fish Commission in certain counties, so as to include Blanco and Hays Counties; amending Section 9 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, by excepting Blanco County from certain provisions of the Section; and declaring an emergency.

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public welfare that this Legislature should provide a law adaptable to changing conditions and emergencies which threaten depletion or waste of the wildlife resources in said Counties. The Game and Fish Commission is therefore granted the authority, power, and duty to provide, by proclamation, rule or regulation, from time to time, periods of time when it shall be lawful to take a portion of the wildlife resources of said Counties, when its investigations and findings of fact disclose there is an ample supply of such wildlife resources that a portion thereof may be taken which will not threaten depletion or waste of such supply. It shall also, by proclamation, rule or regulation, from time to time, provide the means and the method and the place and the manner in which such wildlife resources may be lawfully taken; provided, however, that it shall be unlawful for any person to hunt, take, kill or possess, or attempt to hunt, take or kill any game bird or game animal in said Counties at any time; or to take, kill, trap or possess, or attempt to take, kill or trap any fur-bearing animal in said Counties at any time; or to take or attempt to take any fresh-water fish by any means or method in said Counties at any time; unless the owner of the land or the water, or his duly authorized agent, shall give consent thereto."

Sec. 2. Section 9 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as last amended by Chapter 340, Acts of the Fifty-seventh Legislature, Regular Session, 1961, is amended to read as follows:

"Section 9. Orders, rules and regulations adopted by said Commission shall become effective fifteen (15) days after their

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adoption, except in case of emergency as provided in this Act, and shall continue in full force and effect until they shall expire by their own terms, or are revoked or amended by said Commission, or except in case of disapproval by the Commissioners Court of the County, except in Mason County and Blanco County, in which the rule, regulation or order is to be in effect. The Commissioners Court in each County, except Mason County and Blanco County, affected by the rule, regulation, or order of the Commission shall approve or disapprove the Commission's rule, regulation, or order at its next regular meeting occurring more than five (5) days after the said rule, regulation, or order is promulgated. If approved, the rule, regulation, or order becomes effective immediately in accordance with the terms of this Act. If disapproved, no public hearing on a similar proposal for the County in which the Commissioners Court so disapproved said rule, regulation, or order may be held for a period of six (6) months, unless a majority of said Commissioners Court certifies to the Commission that there has been some material change in the surrounding circumstances which necessitates the holding of a public hearing within the six-month period."

Sec. 3. The fact that present laws do not adequately protect the wildlife resources of Blanco and Hays Counties and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be

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suspended, and said Rule is hereby suspended, and this Act shall
take effect and be in force from and after its passage, and it is
so enacted.

Austin, Texas

3 Aug, 1961

Hon. Ben Ramsey

President of the Senate

Sir:

We, your committee on Game & Fish,
to whom was referred ~~H~~ B. No. 127, have had the same under
consideration, and we are instructed to report it back to the Senate
with the recommendation that it do _____ pass _____,
and be printed.

Kurt G.
Chairman

ENROLLED

H. B. No. 127

AN ACT

amending Section 1 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, relating to regulatory authority of the Game and Fish Commission in certain counties, so as to include Blanco and Bays Counties; amending Section 9 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, by excepting Blanco County from certain provisions of the Section; and declaring an emergency.

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Sec. 3. The fact that present laws do not adequately protect the wildlife resources of Blaine and Mays Counties and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be

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suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

President of the Senate

Speaker of the House

I hereby certify that H. B. No. 127 was passed by the House on August 2, 1961, by a non-record vote.

Chief Clerk of the House

I hereby certify that H. B. No. 127 was passed by the Senate on August 3, 1961, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor

OFFICE OF THE
SECRETARY OF STATE
12:09 P.M. O'CLOCK

AUG 26 1961

P. Frank Mc
Secretary of State.

H. B. 427 By Stutcher

**A BILL
To Be Entitled**

AN ACT amending Section 1 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, relating to regulatory authority of the Game and Fish Commission in certain counties, so as to include Blanco and Hays Counties; amending Section 9 of Chapter 50, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, by excepting Blanco County from certain provisions of the Section; and declaring an emergency.

FILED JUL 28 1961

Dorothy Hallman

Chief Clerk, House of Representatives

JUL 28 1961 READ 1ST TIME
AND REFERRED TO COMMITTEE ON

Game & Fisheries

AUG 1 1961

REPORTED FAVORABLY

ORDERED NOT PRINTED *sent to speaker*

AUG 2 - 1961

READ SECOND

TIME _____ AND

ORDERED _____ ENGROSSED, *by non record vote*

Dorothy Hallman

Chief Clerk, House of Representatives

AUG 2 - 1961

Motion to suspend all necessary rules to consider, prevailed by ☒ vote. *non record*

Dorothy Hallman

Chief Clerk, House of Representatives

AUG 2 - 1961

Read third time

_____ and Passed

by following vote yeas *non record*

Nays *vote*

Dorothy Hallman

Chief Clerk
HOUSE OF REPRESENTATIVES

SENT TO ENGROSSING CLERK.

ENROLLED
Encl. 8-3-61

By: Fletcher

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7-28-61 Filed.——

7-28-61 Read first time and referred to Committee on Game and Fisheries.——

8- 1-61 Reported favorably, ordered not printed. Sent to Speaker.——

8- 2-61 Read second time and ordered engrossed by a non-record vote.——

8- 2-61 Motion to suspend all necessary rules to consider prevailed by a non-record vote.——

8- 2-61 Read third time and passed by a non-record vote.——

Dorothy Hallman
Chief Clerk, H. of R.

8- 2-61 Sent to Engrossing Clerk.——

8- 2-61 Engrossed.——

Area Buggins
Engrossing Clerk, H. of R.

AUG 3 1961

IN THE SENATE

____ Received from
the House,

AUG 3 1961 RETURNED FROM ENGROSSING CLERK

AUG 3 1961 SENT TO SENATE

AUG 3 1961

____ Read first time
and referred to Committee
on Game and Fish

AUG 3 1961

READ SECOND TIME,____
AND PASSED TO THIRD READING.

AUG 3 1961

____ Reported Favorably.

AUG 3 1961

READ THIRD TIME AND
PASSED BY A VIVA-VOCE VOTE:

AUG 3 1961

Ordered not printed by the Senate.

Charles Schnabel
Secretary of the Senate.

AUG 3 1961

Regular order of business,
Senate Rules 32, 38 and 110 and
Art. III, Sections 5 and 82 of the
Constitution suspended by
vote of 28 yeas, 2 nays,
to permit consideration, reading
and passage.

AUG - 3 1961

SENT TO HOUSE

(over)

AUG 3 - 1961
RETURNED FROM SENATE

Dorothy Hallman
Chief Clerk, House of Representatives

AUG 3 1961 SENT TO ENROLLING CLERK